

Exhibit 5

Office of the Principal Legal Advisor

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



**U.S. Immigration
and Customs
Enforcement**

July 3, 2018

Arash Jahanian
American Civil Liberties Union of Colorado
303 E. 17th Ave., Suite 350
Denver, CO 80203

RE: 2018-ICAP-00322, 2018-ICFO-19753

Dear Mr. Jahanian,

This is in response to your letter, dated May 25, 2018, received June 7, 2018, appealing the U.S. Immigration and Customs Enforcement (ICE) Freedom of Information Act (FOIA) Office's response to your FOIA request, dated December 20, 2017, seeking all records pertaining to Kamyar Samimi, DOB 01/03/53, DOD 12/02/17.

In a letter dated March 8, 2018, the ICE FOIA Office stated, "[a] search of the ICE Office of Enforcement and Removal Operations (ERO) for records responsive to your request produced 5 pages that are responsive to your request," and released 5 pages of responsive records to you, subject to partial withholdings pursuant to FOIA exemptions (b)(6), (b)(7)(C), and (b)(7)(E). A search was also tasked to the ICE Office of Professional Responsibility (OPR) and it was determined that due to the open status of the ongoing investigation, any information pertaining to the investigation was withholdable in its entirety pursuant to FOIA Exemption (b)(7)(A). You have appealed the adequacy of the search.

Upon a complete review of the administrative record, ICE has determined that due the completion of the investigation into Mr. Samimi's death, new search(s) or, modifications to the existing search(s), could be made. Therefore, ICE is remanding your request to the ICE FOIA Office for processing and re-tasking to the appropriate agency/office(s) to obtain any responsive documents. The ICE FOIA Office will respond directly to you.

Should you have any questions regarding this appeal remand, please contact ICE at ice-foia@dhs.gov. In the subject line of the email, please include the word "appeal," your appeal number, which is **2018-ICAP-00322**, and the FOIA case number, which is **2018-ICFO-19753**.

Arash Jahanian
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Sincerely,

A handwritten signature in black ink, appearing to read "Erin J. Clifford".

Erin J. Clifford
Chief
Government Information Law Division
ICE Office of the Principal Legal Advisor
U.S Department of Homeland Security

cc: The ICE FOIA Office